

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On July 20, 1938, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29234. Misbranding of canned peas. U. S. v. Phillips Packing Co. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 39724. Sample Nos. 17934-C, 35240-C, 35241-C.)

This product fell below the standard of quality and condition established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On February 2, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Phillips Packing Co., a corporation, Cambridge, Md., alleging shipment by said defendant in violation of the Food and Drugs Act on or about December 22, 1936, January 2, 1937, and February 8, 1937, from the State of Maryland into the States of Pennsylvania and New York of quantities of canned peas that were misbranded. The article was labeled in part: "Phillips * * * Early June Peas Packed by Phillips Packing Co. Inc. Cambridge, Md."; or "Choptank Brand Early June Peas Phillips Sales Co. Inc. Cambridge, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain or conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On July 20, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of \$150 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29235. Adulteration of grapefruit. U. S. v. Leo Terkanian, alias Leo Tucker. Plea of not guilty. Tried to the court and a jury. Verdict of guilty. Fine, \$200. (F. & D. No. 42517. Sample No. 9603-C.)

This product had been damaged by drying.

On June 4, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leo Terkanian, alias Leo Tucker, at Los Angeles, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 12, 1937, from the State of Arizona into the State of California, of a quantity of grapefruit which was adulterated. The article was labeled in part: "Arizona Grapefruit Desert Star Brand Southwest Fruit Growers, Inc. Phoenix, Arizona."

The article was alleged to be adulterated in that grapefruit which had been damaged and rendered inedible by drying had been substituted wholly or in part for edible grapefruit which the article purported to be; and in that a valuable constituent of the article, juice, had been in part extracted therefrom; and in that the article consisted in whole or in part of a decomposed vegetable substance.

A plea of not guilty having been filed by the defendant, the case came home for trial before the court and a jury. At the conclusion of testimony the jury returned a verdict of guilty and on July 15, 1938, the court sentenced the defendant to pay a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29236. Adulteration and misbranding of vanilla extract. U. S. v. 1 Gallon Jug of Vanilla Extract. Default decree of condemnation and destruction. (F. & D. No. 41178. Sample No. 65636-C.)

This product contained diethylene glycol, a poison.

On December 20, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one jug of vanilla extract at Steubenville, Ohio; alleging that the article had been shipped in interstate commerce on or about November 17, 1937, from Pittsburgh, Pa., by Stamoolis & Afentis; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "S & A Brand Vanella Extract